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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

David Cruz, individually,

Plaintiff,

vs.

Cardenas Markets, LLC, a foreign limited liability company d/b/a Cardenas; Does I-X; and Roe Corporations XI through XX, inclusive,

Defendants.

Case No.: 2:22-cv-1703

Cardenas Markets LLC's Petition for Removal

Cardenas Markets, LLC petitions to remove this case to the United States District Court for the District of Nevada from the Eighth Judicial District Court for the State of Nevada. This petition for removal is signed per Rule 11.

Removal is appropriate per 28 U.S.C. § 1441 because diversity jurisdiction is present per 28 U.S.C. 1332. Plaintiff alleges he is a citizen of Nevada.¹ Cardenas Markets, LLC's sole member is Cardenas Holdings, LLC, whose sole member is Hispanic Food Holdings, LLC. Hispanic Food Holdings, LLC's members are 1) Cardenas Markets, Inc, a California entity with its principal place of business in California; 2) NMFP Holdings, Inc., a California entity with its principal place of business in California; and 3) Train Investment Trust, whose trustee is a California citizen.

¹ ECF No. 1-2 at ¶ 1.

1 Plaintiff filed his complaint on September 8, 2022 alleging injury from a slip and fall event
 2 occurring on December 1, 2020.² The complaint alleged general damages in excess of \$75,000
 3 and special damages in excess of \$75,000. The amount in controversy was met based on the face
 4 of the complaint. Cardenas was served on September 19, 2022, thus removal is timely because it
 5 occurred within 30 days of service.

6 Based upon this, diversity jurisdiction is present and timely invoked.

7 DATED this 10th day of October, 2022.



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 10 BY: /s/ Michael Lowry
 11 MICHAEL P. LOWRY, ESQ.
 Nevada Bar No. 10666
 12 JONATHAN C. PATTILLO, ESQ.
 Nevada Bar No. 13929
 13 Attorneys for Cardenas Markets, LLC

14 Certificate of Service

15 Pursuant to NRCP 5, I certify on October 10, 2022, I served **Cardenas Markets LLC's**
 16 **Petition for Removal** as follows:

- 17 by placing same to be deposited for mailing in the United States Mail, in a sealed
 envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- 18 via electronic means by operation of the Court's electronic filing system, upon each
 party in this case who is registered as an electronic case filing user with the Clerk;

Benson Allred Injury Law 333 N. Rancho Dr., Suite 420 Las Vegas, NV 89106 Attorneys for David Cruz	
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23 BY: /s/ Michael Lowry
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 2 ECF No. 1-2 at ¶¶ 8-9.